REMARKS

The present amendment is in response to the Office Action dated August 24, 2007, where the Examiner has rejected claims 1 – 4, 6 – 11, and 13 – 15. In the present amendment, claims 1, 8, and 15 have been amended. Accordingly, claims 1 – 4, 6 – 11, and 13 – 15 are pending in the present application with claims 1, 8 and 15 being the independent claims. Reconsideration and allowance of pending claims 1 – 4, 6 – 11, and 13 – 15 in view of the amendments and the following remarks are respectfully requested.

A.   Response to Arguments

It appears from the Response to Arguments section in the present Office Action that there is a general misunderstanding of wireless communications. In this section the Examiner supports the conclusion that Applicant's prior amendments and arguments were not persuasive. On page 3 of this section, the Office Action states:

When a user wants to transmit information to other net members, the user pushes the switch on his/her device, i.e. he/she is initializing a request identifying a recipient handset. It is clear that the pus-to-talk call is not already established.

The statement that it is clear that the push-to-talk call is not already established is incorrect. Rosen does not teach or suggest this and in fact Rosen requires that the push-to-talk call is already established because if it was not there would be no "other net members" to transmit to.

After a careful review of the statements in the Response to Arguments section of the Office Action that the concept of the transmission privilege versus the concept of channel acquisition are being conflated by the Examiner. Applicant notes that

establishing a communication link (channel acquisition) and requesting permission to transmit (transmission privilege) are separate concepts and that conventional systems like Rosen understand and reflect this.

Additionally, in the first full paragraph on page 4 of the Office Action states:

Furthermore, Rosen discloses that when a first net member wishes to transmit information to other net members of the net, the first net member may request the transmission privilege by pressing a push-to-talk key on his or communication devices, which generates a request formatted for transmission over the distributed network. (paragraph 36) If the channel has already been establish which essentially means that there is no communicative link at all between the sending and receiving devices, as the Applicant argues, there would be no need for the first net member to request the transmission privilege. As discussed earlier, the SIP channel used in Rosen is used to start and end participation of a communication device.

In this passage it appears that the Examiner is suggesting that there would be no need for a member of a PTT group to request the transmission privilege if the channel was already established. As explained above, that characterization of wireless communications as described in Rosen suggests a fundamental misunderstanding of the underlying technology.

In the type of system disclosed by Rosen, there are multiple handsets in a group talk session that is governed by a communication manager (server). Not all of the handsets can talk at the same time. Therefore, **after the communication links have been established between each handset and the server**, any handset wishing to talk must request the transmission privilege from the server. Furthermore, these requests for the transmission privilege in Rosen do not identify any recipient handset, they are

only sent to the server to request the transmission privilege from the server. The handset wishing to talk may not even know all of the other handsets in the group talk session. When a handset is granted the transmission privilege, it transmits information to the server. The server then passes along the information to the other members of the group talk session.

The present claims, however, are directed toward the <u>initialization</u> of a push-to-talk call. The passages from Rosen being cited and relied upon by the Examiner are directed toward push-to-talk communications <u>after the call has already been established</u>.

Applicant asserts that claims 1 – 15 as presented in the previous Amendment are allowable over the prior art and requests reconsideration of those claims after further consideration by the Examiner of the underlying wireless communication technology.

In an attempt to advance the prosecution of this application, Applicant presents the following arguments in connection with the amendments set forth above.

B.   Rejection of Claims 1 – 4, 6 – 11, and 13-14 Under 35 USC §102

Claims 1 – 4, 6 – 11, and 13-14 stand rejected under section 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0173326 ("Rosen"). Applicant has amended claims 1 and 8. Applicant respectfully requests that the amendments to claims 1 and 8 be entered and a notice of allowance be issued including amended claims 1 and 8 for at least the following reasons.

Rosen does not teach, describe, or suggest an "<u>announce message</u>," that is transmitted "over a plurality of base stations <u>the plurality of base stations covering a geographic region where the recipient handset is expected to be located</u>."

While Rosen discusses a push-to-talk connection, it is a traditional push-to-talk connection that includes a plurality of <u>page messages</u>, then an <u>announce message</u> paired with a <u>reply</u> to the announce message.   See, for example, Figure 4 of Rosen, where it shows that the infrastructure pages each individual target MS. (See, Rosen, Paragraph 0075). Then, the CM sends a wakeup trigger to the target MS and the target MS sends a wakeup reply. (See, Rosen, Paragraph 0075).

The present claims avoid the overhead associated with the traditional push-to-talk scheme of Rosen by <u>avoiding the page message</u> and sending an announce message to a plurality of base stations <u>covering a geographic region where the recipient handset is expected to be located</u>."

A stated in the present application, push-to-talk schemes, such as Rosen's "suffer from significant call setup times." (See, Paragraph 3 of the Present Application) Conventional systems first broadcast a page message over a predefined geographical region in order to precisely locate the target handset. (See, Paragraph 3 of the Present Application).

The background section of the present application further states at paragraphs 4-5 that:

> Once the handset has responded to the page message, and thereby identified its location in a particular cell of the wireless communication network, the announce message is sent to the target handset via the specific base station for the particular cell. A significant drawback of these conventional methods for establishing a PTT call is the amount of time required to locate the target handset. Although periodic registration of handsets in a wireless communication network is generally required, the time lapse between registration messages can vary between a few minutes and several hours. Consequently, the location of a target handset can require multiple page messages to be sent over a wide geographic area if the handset has not recently registered with the network and has moved. These multiple page messages increase the PTT call setup time.

In contrast, the present claims skip the multiple page messages sent over a wide area, as in Rosen, and send the announce message <u>only</u> to multiple base stations <u>where the handset is expected to be located</u>. Since Rosen locates the handset in the conventional manner with page messages (See Figure 4), it already knows what base station to send the announce message to so there is no reason to send it to multiple base stations where it expects the handset to be.

As such, Applicant asserts that the independent claims 1 and 15 are not anticipated by Rosen. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending independent claims 1 and 15 and their respective dependent claims 2-4, 6-7, 9-11, and 13-14.

C.   Rejection of Claim 15 Under 35 USC §103

In the Office Action, claim 15 has been rejected under 35 U.S.C. 103(a) as obvious with respect to Rosen in view of U.S. Patent Application No. 2004/0057405 ("Black"). The Examiner states that Rosen teaches all of the limitations of claim 15, except:

> converting the reverse link channel push-to-talk initialization request to an internet protocol push-to-talk initialization request message; sending the internet protocol push-to-talk initialization request message to a push-to-talk server; creating an internet protocol push-to-talk announce message corresponding to the internet protocol push-to-talk initialization request; and sending the internet protocol push-to-talk announce message to a plurality of base stations.

The Examiner further states that Black teaches these limitations. The Examiner states that the combination of the two references makes the present claims obvious. This rejection is traversed as follows.

A claim is unpatentable if the differences between it and the cited references would have been obvious at the time of the invention. As stated in MPEP § 2143, there are three requirements to establish a *prima facie* case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the cited reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the cited references, and not based on Applicant's disclosure.

1. Suggestion or Motivation to Combine

In the Office Action, no motivation has been supplied for combining the references. The subject matter of the claims is related to establishing a communicative link between a calling handset and a recipient handset, by sending announce messages to base stations where the handset is expected to be located and thereby eliminating the need for a page message.

Rosen teaches the paging of each individual target MS. (See, Rosen, Paragraph 0075). Then, the CM sends a wakeup trigger to the target MS and the target MS sends a wakeup reply. (See, Rosen, Paragraph 0075).

As claim 15 presently states, there are no page messages sent, only announce messages broadcast to base stations where the handset is expected to be located. The combination of Rosen with Black creates no suggestion whatsoever to dispense with page messages to reduce the overhead associated with push-to-talk connections. The proposed combination still cannot establish a communicative link without a page message, so there would be no suggestion or motivation to combine Black and Rosen to achieve the present claims.

2. Reasonable Expectation of Success

Further, the Examiner has not demonstrated that the combination of the cited references points to the reasonable expectation of success in the present claims, which is the second requirement of the obviousness analysis. If Black and Rosen were in fact capable of being combined, they would not work properly because neither reference, alone or in combination, is able to solve the problem of establishing a connection without a page message. Therefore, Rosen, in view of Black, would not be reasonably expected to succeed in finding a device without the page message (as the reduced overhead connection scheme of the present claims currently does) because Rosen in view of Black requires a standard paging process to find the target handset before announce messages can occur.

3. Combined References Must Teach All Claim Limitations

With respect to the third prong of an obviousness analysis, the combination of the references does not yield all the limitations of the present claims. First, Rosen and Black do not teach or describe or suggest receiving an announce message "at a base

station covering a geographic region where the recipient handset is expected to be located."

As previously argued in the rejections under 35 U.S.C. section 102, Rosen establishes a traditional push-to-talk connection and the teaching of Black does not add to Rosen's teaching. Instead, the page message in Rosen finds the target handset. For that reason, the "announce" process occurs when the target handset is already located. As such, the "announce" message of Rosen in view of Black would not be to a base station where the handset is "expected" to be located, since it has already been located previously. Therefore, Rosen, in view of Black, does not read on the present claims. Thus, the combination of Rosen and Black still fails to suggest claim 15. Since the combination of references does not include all the limitations of claim 15, the Applicant requests that the rejection be withdrawn.

D.   Conclusion

For all the foregoing reasons, an early allowance of claims 1 – 4, 6 – 11, and 13

– 15 pending in the present application is respectfully requested. If necessary,

applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for

filing a reply in the above-identified application and to charge the fees for a large entity

under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any

underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of

Kyocera Wireless Corp.

Respectfully Submitted,

Dated: _____ November 12, 2007_   /George W. Luckhardt/_____
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